

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ARCADIO R. ABURTO,
DENO B. GREEN, DAVID BARRIOS,
KENNETH D. DAY, WILLIAM
BIRKLA, JR., STEPHEN DODD,
and ROBERT LISKA,**

Defendants.

No. 06-CR-30167-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Defendant Birkla's November 6, 2007 motion to continue December 3, 2007 trial (Doc. 224). Defendant Birkla's counsel, John Stobbs, needs a continuance as Mr. Stobbs is scheduled to begin a criminal trial in the Eastern District of Missouri before the Honorable Charles A. Shaw that same date. The Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such continuance outweigh the best interests of the public and *all* the Defendants in a speedy trial. The Court also finds that to deny a continuance of the matter would result in a miscarriage of justice.

Therefore, the Court **GRANTS** Defendant Birkla's motion to continue December 3, 2007 trial (Doc. 224). The Court **CONTINUES** the jury trial scheduled

for December 3, 2007 to **Monday, March 3, 2008 at 9:00 a.m.** The time from the date the original motion was filed, November 6, 2007, until the date to which the trial is rescheduled, March 3, 2008, is excludable time for the purposes of speedy trial. The parties shall notify the Court if a change of plea hearing is necessary.

IT IS SO ORDERED.

Signed this 13th day of November, 2007.

/s/ David R Herndon
Chief Judge
United States District Court